

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ALEXANDER CHRISTOPHER NERI,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No. 1:21-cv-01235-SAB

ORDER ADVISING PARTIES OF LIFTING
OF STAY OF ACTION

ORDER AMENDING THE SCHEDULING
ORDER

(ECF Nos. 5, 9)

On August 13, 2021, Plaintiff Alexander Neri filed this action seeking judicial review of a final decision of the Commissioner of Social Security (“Commissioner”) denying his application for disability benefits pursuant to the Social Security Act. (ECF No. 1.) On April 14, 2020, General Order Number 615 issued staying all Social Security actions filed after February 1, 2020 until the Commissioner may begin normal operations at the Office of Appellate Hearings Operations and may resume preparation of a certified copy of the administrative record. E.D. Cal. G.O. No. 615. On August 16, 2021, when the Court granted Plaintiff’s application to proceed *in forma pauperis*, the Court notified the parties that pursuant to General Order Number 615, this action was stayed, and that the stay would be automatically lifted when the Commissioner files the certified copy of the administrative record. (ECF No. 3.) On March 15, 2022, the Commissioner filed a certified copy of the administrative record. (ECF No. 9.) The

Court notes, however, that the scheduling order that was previously issued did not indicate that Plaintiff's opening brief would be due within 45 days of the filing of the administrative record. (See ECF No. 5.) Therefore, the Court shall modify the scheduling order as set forth below.

Accordingly, the parties are HEREBY NOTIFIED that the stay of this matter imposed by General Order No. 615 has been lifted with the filing of the Administrative Record. Further, IT IS HEREBY ORDERED that the scheduling order is amended as follows:

1. **Within 45 days of service of this order**, Plaintiff shall file the motion for summary judgment;

2. **Within 45 days after service of Plaintiff's opening brief**, Defendant shall file the responsive brief;

3. **Within 15 days after filing of Defendant's brief**, Plaintiff shall file the optional reply brief;

4. Any motion for attorney fees shall be filed within 30 days after entry of final judgment. Opposition or a statement of non-opposition shall be filed within 30 days thereafter.

5. All references to the record and all assertion of fact must be accompanied by citations to the record. The opening and responsive brief shall contain the following:

(a) A description of the plaintiff's alleged physical or emotional impairments, including when the plaintiff contends the impairments became disabling, and how these impairments disable the plaintiff from work;

(b) A summary of all relevant medical evidence, including an explanation of the significance of clinical and laboratory findings and the purpose and effect of prescribed medication and therapy;

(c) A summary of the relevant testimony at the administrative hearing;

(d) A recitation of the defendant's findings and conclusions relevant to the plaintiff's claims;

(e) A short, separate statement of each of the plaintiff's legal claims stated in terms of the insufficiency of the evidence to support findings of fact or reliance upon an erroneous legal standard; and

1 (f) Argument separately addressing each claimed error. Argument in support
2 of each claim of error must be supported by citation to legal authority and explanation of the
3 application of such authority to the facts of the particular case. Briefs that do not substantially
4 comply with these requirements will be stricken.

5 6. Requests for modification of this briefing schedule must be made by written
6 stipulation or motion and will be granted only for good cause. A request for a modification
7 brought on the filing deadline will be looked upon with disfavor. Local Rule 144(d).

8 7. Violations of this order or of the federal rules of procedure or the Local Rules
9 may result in sanctions pursuant to Local Rule 110.

10 IT IS SO ORDERED.

11 Dated: March 16, 2022

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14 UNITED STATES MAGISTRATE JUDGE
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